

30 JAN 2004



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Patent Dept.
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In re Application of :
KAWALLA, Rudolf et al :
U.S. Application No.: 09/936,381 :
PCT No.: PCT/EP00/01517 :
Int. Filing Date: 24 February 2000 :
Priority Date: 13 March 1999 :
Attorney's Docket No.: 20496-303 :
For: METHOD FOR PRODUCING HOT :
STRIP :
:

**DECISION ON
PETITION
UNDER 37 CFR 1.182**

This decision is in response to applicants' "Second Petition under 37 C.F.R. 1.182" ("Pet.") filed via facsimile on 11 August 2003 and again on 09 September 2003. The \$130.00 petition fee has been paid.

BACKGROUND

On 10 September 2001, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371. Applicants listed the international application number as PCT/EP00/01575 on the transmittal letter (Form PTO-1390).

On 25 October 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided.

On 21 December 2001, applicants filed an executed declaration listing the international application as PCT/EP00/01517.

On 29 January 2002, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) advising applicants that the 35 U.S.C. 371 requirements were satisfied for the national stage of PCT/EP00/01575 on 21 December 2001.

On 14 February 2002, applicants purportedly filed a request to change the PCT reference. The request is not located in the file and there is no indication that this request was acted upon.

On 11 August 2003, applicants filed the instant petition under 37 CFR 1.182 via

facsimile.

On 09 September 2003, applicants resubmitted the petition filed 11 August 2003.

DISCUSSION

Applicants maintain that "when claiming priority of the PCT International Application on the transmittal letter, a typographical error was made, thereby resulting in reference to the wrong PCT International Application." Pet. at ¶ 2. Accordingly, applicants request to "correct the error which was made unintentionally and without deceptive intent." *Id.* at ¶ 1. Applicants also request that "the claim of priority for the above-identified non-provisional application be changed to PCT International Application PCT/EP00/01517." *Id.* at ¶ 3. Applicants also seek a corrected filing receipt changing the title to "Method of Producing a Hot-Rolled Strip."

A review of the above-captioned application file revealed that the wrong international application number, *i.e.*, PCT/EP00/01575, was designated on the transmittal letter filed with the national stage papers on 10 September 2001. However, applicants did provide a copy of international application PCT/EP00/01517 as published, a preliminary amendment referencing PCT/EP00/01517 and Information Disclosure Statement referencing PCT/EP00/01517 on 10 September 2001. Applicants then submitted a declaration referencing PCT/EP00/01517 on 21 December 2001.

Nevertheless, the DO/EO/US mailed a Form PCT/DO/EO/903 and filing receipt on 29 January 2002 indicating an international application number of PCT/EP00/01575.

A check of PCT/EP00/01517 shows that it has the same title, inventors, priority date and description as was submitted on 10 September 2001. Therefore, it is clear that a typographical error was made on the transmittal letter. Applicants submitted authorization to charge the required petition fee of \$130.00 to Deposit Account No. 16-2500 with the instant petition.

Applicants have met all the requirements of a grantable petition.

CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 to correct the PCT application number is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 29 January 2002 recorded the wrong international application number and priority date for the international application. Therefore, it is hereby **VACATED**.

This application is being forwarded to the DO/EO/US to mail a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 indicating the correct international application number and a priority date of 13 March 1999, and then mailing a corrected filing receipt. The application will then be forwarded to Technology Center 1700 for further processing.



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APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/936,381	12/21/2001	1742	990	20496-303	2	14	1

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CONFIRMATION NO. 2936

CORRECTED FILING RECEIPT



OC000000011798809

Date Mailed: 01/30/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

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Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP00/01517 02/24/2000

Foreign Applications

GERMANY 19911287.8 03/13/1999

If Required, Foreign Filing License Granted: 01/30/2004

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

METHOD FOR PRODUCING HOT STRIP

Preliminary Class

148

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Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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